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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,447	03/30/2001	McGee Thomas	010160	8483

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,447

Applicant(s)

THOMAS ET AL.

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 17, 2004 have been fully considered but they are not persuasive.

A. Applicant argues with respect to claims 1, 11, 23, and 30 (page 11, lines 11-15), "*Chiu* recites a notetaking system that analyzes video to detect and segment slide changes in the video. During playback of the segmented video, a user can bookmark points in the video and add notes to the video...*Chiu* lacks any mention that the video segmenting is performed in response to a 'bookmark signal'...the video segmentation is performed prior to bookmarking or other editing by the user, and therefore, is not dependent on nor related to the bookmarking process."

In response, *Chiu* discloses a notetaking device that allows a user to capture stills from media streams, make annotations (bookmarking), and reference important events for later playback (segmenting=breaking up into several sections or segments). That is, the video is segmented when the user annotates the video, so that the annotated frames can be replayed later (abstract; col. 2, lines 56-67; col. 3, lines 1-20).

B. Applicant argues (page 13, last two lines), "the combination of *Chiu* and *Brewer* ...fails to disclose, teach or suggest performing video segmenting in response to a 'bookmark signal' as recited in Claims 1, 11, 23, and 30..."

In response, *Chiu* discloses video segmenting in response to annotation (bookmarking). *Brewer* is used for its teaching of a characteristic feature of the frame being its frame number. *Brewer* discloses a method for clipping video segments (abstract; col. 3, lines 30-44). *Brewer* teaches a frame number as a characteristic feature of the frame (col. 5, lines 18-67; col. 15, lines 22-38). *Brewer* teaches selection of a

Art Unit: 2179

mark-in (beginning or a clipped segment) and a mark-out location (end of the clipped segment), (col. 1, lines 43-50; col. 3, lines 30-67; col. 4, lines 1-27).

Therefore, the claims stand rejected as follows.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they contain informal drawings (figures 1-5); some figures are too dark (figure 4), and others include very small font (figure 3), which makes the drawings' elements, labels and details difficult to see, read and understand. Correction is required.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the

Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 4-12, 14-18, and 23-32 are rejected under 35 U.S.C. 102(e) as being anticipated by *Chiu et al* (US 6,452,615 B1).

Claims 1 and 31:

Chiu discloses a notetaking system that uses digital video and ink as references and notes. The system uses video feeds, bookmarking, and indexing material. The invention includes indexing of notes and video feed via de use of thumbnails, timestamps, and background snaps (abstract; col. 1, lines 7-20; col. 2, lines 57-61). Chiu's system includes providing video content that includes video frames and reviewing the video (col. 2, lines 3-6, 64-67; col. 4, lines 36-46; col. 5, lines 57-61; col. 6, lines 35-42); sending a bookmark during review of the video (col. 2, lines 64-67; col. 3, lines 1-11, 31-40); identifying a characteristic feature on the selected frame and recording the information on a storage medium (abstract; col. 5, lines 21-24; col. 6, lines 50-67; col. 7, lines 1-13; col. 8, lines 1-22); identifying a segment of the video containing the selected frame, the segment having a segment starting point and a segment endpoint and storing at least a portion of the segment (col. 5, lines 57-61; col. 6, lines 35-42; col. 8, lines 26-32, 50-53). Chiu teaches a notetaking device that allows a user to capture stills from media streams, make annotations (bookmarking), and reference important events for later playback (segmenting=breaking up into several sections or segments). That is, the video is segmented when the user annotates the video, so that the annotated frames can be replayed later (abstract; col. 2, lines 56-67; col. 3, lines 1-20).

Art Unit: 2179

Claims 2 and 12:

See claim 1. Chiu teaches that characteristic features of the frame are obtained from a frame signature created using the visual, audio or text properties of the frame (col. 1, lines 21-34; col. 3, lines 1-40, col. 4, lines 36-51).

Claims 4 and 14:

Chiu teaches timestamp as a characteristic feature of the frame (col. 1, lines 12-15; col. 3, lines 31-34, 49-52; col. 4, lines 44-46).

Claims 5 and 15:

Chiu teaches that a starting point and endpoint of the segment is based on detecting meaningful changes of information in the audio and visual portion of the video before and after the selected frame (col. 3, lines 4-8, 34-36; col. 5, lines 13-20; col. 7, lines 14-30).

Claims 6 and 16:

See claim 1. Chiu teaches that NoteLook system includes automatic note-taking using slide change detection. The video containing the presentation material is analyzed to determine when slide changes occur (col. 5, lines 13-20; col. 7, lines 14-30); and color changes (col. 7, lines 14-30). The NoteLook client is an audio and audio note-taking application that has video window and video handling capabilities (col. 5, lines 42-44).

Claims 7 and 17:

Chiu teaches that the segment is stored on the same medium as the video (col. 6, lines 50-54, 63-66; col. 8, lines 1-32; col. 9, lines 17-28).

Claims 8, 9 and 18:

See claim 1. Chiu teaches that a predefined length of the video from the segment start point is stored (col. 5, lines 13-20; col. 6, lines 16-18, 23-27).

Claims 10 and 25:

See claim 1. Chiu teaches that the stored segment contains a frame of the segment (col. 4, lines 36-46; col. 5, lines 21-28).

Claim 11:

See claim 1. Chiu teaches that the video source can be captured from a VCR or any video stream attached to the computer (col. 3, lines 41-45; col. 4, lines 56-60; col. 5, lines 8-12, 34-35, 57-58; col. 7, lines 3-6).

Claims 23 and 32:

See claim 1. Chiu teaches that the user may store, browse and retrieve the segment of the video having the selected frame (col. 5, lines 57-61; col. 6, lines 35-42; col. 8, lines 26-32, 50-53).

Claim 24 and 28:

Chiu teaches that the videos may be stored locally or separately by the server onto the network and can be randomly accessed. The video may be transmitted to the NoteLook clients by the NoteLook server over a wireless network (fig. 8; col. 6, lines 50-66). Chiu teaches a storage mechanism that stores the notefile, captured images and indexed annotations on a remote server for subsequent retrieval during playback (col. 9, lines 25-28).

Claim 26:

Chiu teaches that the bookmarks may be accessed by mobile communication devices via a

Art Unit: 2179

wireless connection (col. 3, lines 40-57; col. 4, lines 47-60; col. 5, lines 1-12; col. 6, lines 55-60).

Claim 27:

Chiu teaches that the bookmarks may be stored at multiple levels, shared and accessed by different individuals (fig. 8; col. 3, lines 31-40; col. 4, 31-36; col. 6, lines 50-66; col. 9, lines 25-28).

Claim 29:

See claim 1. Chiu teaches an index that is linked and allows access only to the segment, which is stored in another location (col. 7, lines 49-54; col. 8, lines 39-53).

Claim 30:

See claim 2. See further: fig. 8; col. 6, lines 50-66; col. 9, lines 25-28.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu and Brewer et al (US 6,285,361 B1).**

Claims 3 and 13:

Chiu does not teach that a characteristic feature of the frame is its frame number. However, Brewer discloses a method for clipping video segments from an audiovisual file having multiple video

frames. Brewer's method includes selecting a mark-in location that defines the beginning of the clipped segment, and a mark-out location defining the end of the clipped segment (abstract; col. 1, lines 43-50; col. 3, lines 30-67; col. 4, lines 1-27). Brewer teaches the frame number as a characteristic feature (col. 5, lines 18-67; col. 15, lines 22-38). Therefore, it would have been obvious to modify Chiu's notetaking system to include Brewer teaching of using the frame number as a characteristic feature because it is an easy, quick and effective way to identify a frame.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be

Art Unit: 2179

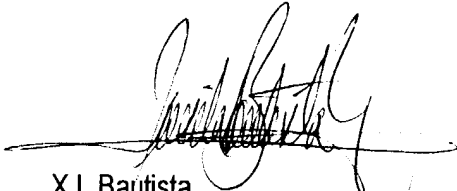
reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

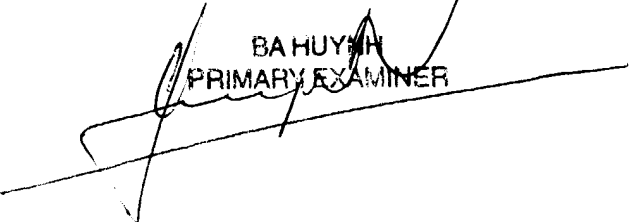
PTO Move Information

11. The Patent and Trademark Office will be moving to Carlyle in October 2004 (October 12th through October 28th). The Examiner's new telephone number will be (571) 272-4132; the Examiner's SPE new telephone number will be (571) 272-4136; and the Technology Center Main Telephone Number will be (571) 272-2100.



X L Bautista
Patent Examiner
Art Unit 2179

xlb
12 October 2004



BA HUYNH
PRIMARY EXAMINER